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TO: **Commissioner for Patents**
Special Programs Examiner: Steven M. Meyers
Technology Center: 3600

FROM: **Steven R. Scott**

DATE: **02 May 2003**

TOTAL NUMBER OF PAGES (including cover page): **4**

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RE: **Patent Application No. 09/640,196**
Filed: 16 August 2000
Applicant(s): Aaron M. Sanders
Title: BUSINESS METHOD AND PROCESSING SYSTEM

Please see the attached Request for Reconsideration of Petition to Make Special and Supplemental Declaration by Applicant.

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S-2-2-83
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Aaron M. Sanders
APPLN. NO: 09/640,196
FILED: 16 August 2000 ART UNIT: 2161
TITLE: BUSINESS METHOD AND PROCESSING SYSTEM

REQUEST FOR RECONSIDERATION OF PETITION TO MAKE SPECIAL

Mail Stop Petition
Commissioner of Patents
P. O. Box 1450
Arlington, Virginia 22313-1450

Dear Sir:

The Petition to Make Special has been denied on two grounds. The Special Programs Examiner states:

The petition filed September 30, 2002 includes all of the requirements above except fully meeting items (A) and (C). With regard to both items, a problem stems from the fact that the applicant is claiming a method or system of doing business. As such, there is nothing to "manufacture". One cannot be obligated to manufacture in the future, or state the nature of the facilities to manufacture something that has no physical presence. Further with regard to item (A), the required statements as to the approximate amount of capital and the general nature of the facilities have not been included.

The last issue discussed is the most easily disposed of. MPEP 708.02 does not require that "statements as to the approximate amount of capital and the general nature of the facilities" be included. In fact, it expressly allows this information to be excluded by providing a simpler alternative route. It provides that affiant must allege under oath or declaration the information discussed by the examiner **"or that sufficient capital and facilities will be made available if a patent is granted"**. This allegation has been made and fully satisfies the requirements of MPEP 708.02. However, the enclosed Supplemental Declaration provides statements as to the approximate amount of capital and the general nature of the facilities as well.

The other issue raised is also without merit. It presumes that business method claims do not involve the construction or manufacture of anything tangible. In fact, as demonstrated by the inventor's attached affidavit, the construction/manufacture of the system involved in and described by this patent

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involves physical components and is extremely expensive. In short, it involves the building or retrofitting of a structure with unique features and extensive equipment outlays. Thus, the system is embodied in a tangible manufactured set-up with a physical presence. It also involves the production of physical products. The issue raised is, therefore, without merit.

Respectfully submitted,
EUGENE STEPHENS & ASSOCIATES

Steven R. Scott

Steven R. Scott, Reg. No. 32,000

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Enclosures

Dated: *2 May 2003*

Certificate of Facsimile Transmission

I hereby certify that this correspondence is being transmitted by facsimile to the Patent and Trademark Office on May 2, 2003.

Sandra Duffy
Sandra Duffy

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05-01-03 03:01PM FROM STEPHENS & ASSOC. TO 17752646201 P004/004 ATTN:
STEVE SCOTT

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Aaron M. Sanders
APPLN. NO: 09/640,186
FILED: 16 August 2000 ART UNIT: 2161
TITLE: BUSINESS METHOD AND PROCESSING SYSTEM

SUPPLEMENTAL DECLARATION BY APPLICANT

Mail Stop Petition
Commissioner of Patents
P. O. Box 1450
Arlington, Virginia 22313-1450

Dear Sir:

Aaron M. Sanders declares that:

1. The patent application covers a 'system' that relates to manufacturing color prints on hard machinery placed inside buildings, where such files are submitted via the web and where the system routes the files to the appropriate machinery to produce the hard copy prints on paper and other substrates.

2. The way our system would work would require high end printing machinery to be installed in a large building. The cost of machinery to be installed to utilize the system is about \$250,000 and the cost of the facility is about \$50,000 to set it up with networking and electrical cabling to enable utilization of the system which the patent covers. These are significant resources and there are hundreds of such manufacturing facilities that can be embedded in large buildings in the U.S. The prospective manufacturer, Ermenta, Inc., will make such facilities and/or capital available if a patent is granted.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 USC 1001, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.


Aaron M. Sanders

Date

5/10/03

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